

REMARKS

Claims 30, 35-37 and 40 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tantillo. Claims 31 and 36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tantillo in view of Lee. Claims 32-41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tantillo. Claims 33, 34 and 40-51 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tantillo in view of Abbott.

Tantillo discloses generally the use of fluid delivery to the heart during surgery but fails to provide details regarding a fluid delivery system. The Lee reference involves a system for recirculating blood that has been removed from the patient undergoing a cardiopulmonary bypass procedure. Lee teaches the use of a pH sensor 21 to measure the blood being recirculated to the patient, but does not relate to a system or method of providing fluid to the heart during surgery.

Claim 30 has been amended to recite that the method involves the use of an external fluid source and a pH sensor that is positioned within the tissue in combination with a fluid delivery system and a controller. Neither Lee or Tantillo teaches the use of the direct tissue pH measurement to control preservation fluid flow rate using a delivery control system having a plurality of fluid paths.

Although Abbott relates to a cardioplegia delivery system, this reference discloses either antegrade 20 or retrograde 22 delivery, but not a system for a delivery along a plurality of fluid paths. Reconsideration of the claims is respectfully requested along with consideration of new claim 52.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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